

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

C.R. No.2888 of 2007 (O&M)

Date of Decision : 01.10.2007

Balwant

...Petitioner

Versus

Dhanpati and others

...Respondents.

VINOD K.SHARMA,J (Oral)

Present :- Mr.Bahadur Singh, Advocate for the petitioner.

The present revision petition has been filed against the order dated 27.2.2007 passed by the learned Additional Civil Judge, Jhajjar vide which an application moved by the applicant-respondent herein for being impleaded as legal representative of Smt.Dhanpati on the basis of adoption, has been ordered to be allowed.

Learned counsel for the plaintiff-petitioner has challenged the said order on the plea that the adoption deed was contrary to the provisions of Section 8 of the Hindu Adoptions and Maintenance Act, 1956 and therefore, he could not be treated as legal representative being the adopted son of the deceased-Dhanpati.

The learned trial Court has not given any opinion with regard to the adoption of the applicant and has observed that this was merely application for bringing the applicant on record to contest the suit after death of Dhanpati. The challenge of the petitioner to adoption would still remain open and therefore, it cannot be said that the respondent-applicant has no

right to be impleaded as a party. There is no error in exercise of the jurisdiction by the learned trial Court which may call for any interference by this Court.

Dismissed.

[Vinod K.Sharma]
Judge

01.10.2007

sd